



Case # I17-10252

CR-02519-17



STATE OF NEW YORK : COUNTY OF TOMPKINS
CITY COURT : CITY OF ITHACA

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

FELONY
COMPLAINT

Defendant: Davis, Michael A. DOB 08/21/1971
Address: 812 Ringwood Rd. Dryden, NY 13053

ACCUSATION

Be it known that, by this Accusatory Instrument,	Inv. Williams
as the Complainant herein, accuses	Michael A Davis
the above named defendant with having committed the offense of	
Murder in the second degree	
in violation of section 125.25, subdivision 3 of the New York State Penal Law. A A-I Felony offense.	

FACTS

On or about the 12th to 13th day of June 2017, at about the evening hours of the 12th into the morning hours of the 13th day of June 2017.

While located at 209/215 Dryden Rd. a person is guilty of murder in the second degree when acting either alone or with one or more other persons, he commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants.

To Wit: At the aforesaid date, time, and location the defendant did: commit arson and in the course of and in furtherance of such crime or of immediate flight therefrom he caused the death of Joezaya M. Berrios, who was found deceased at 209/215 Dryden Rd. on the morning of June 13th, with apparent burns and an accellerant which was a gallon can of Tru Fuel 50:1 2 cycle gasoline, found at the scene. In the course of the investigation, a black BUM Equipment duffel bag with green trim was located at 309 College Ave. Surveillance video depicted the defendant wearing the Alpha Security Bureau uniform shirt, while carrying such bag in the early morning of June 13th. The surveillance video also shows the defendant leaving the area without the duffel bag and no longer wearing the uniform shirt. The duffle bag was later found to contain an Alpha Security Bureau uniform shirt worn by defendant in the video and a D Match lighter, color green. A photograph of the defendant taken by Maurice Hamm earlier in the evening on the 12th depicted defendant with the black BUM Equipment duffel bag with green trim in the building located at 209/215 Dryden Road and wearing Alpha Security Bureau uniform shirt. Further, also located at 812 Ringwood Road, Town of Dryden, was a white Dollar Tree plastic bag with green lettering and it contained work gloves, also contained within the Dollar Tree bag was a Tops plastic shopping bag that contained size 35 waist 30 length black Eddie Bauer cordury pants and a 3xl gray Gildan t-shirt, both having an odor of a petroleum based substance.

All Contrary to the provisions of the statute in such case made and provided.

The above allegations of fact are are made by the complainant herein:

- ☐ Upon direct knowledge
☒ Upon information and belief, with the sources of the Complainant's information and the grounds for his belief being: Attached sworn statement of one Joy L. Gray DOE [REDACTED] oral statement of Maurice Hamm given to Investigator Lucas Anthony and whose name and address are known and on file with the Ithaca Police Department, video surveillance depicting the defendant with duffel bag (available to the court upon request), oral statements of the defendant, and police investigation,

including the crime scene.

☐ Wherefore the Complainant prays that a warrant be issued for the arrest of the said defendant.

Inv Williams | Complainant

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this 13th day of June, 2017.

Complainant

REC'D
N. CALTY COURT
2017 JUN 14 AM 7:51



STATE OF NEW YORK : COUNTY OF TOMPKINS
CITY COURT : CITY OF ITHACA

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

FELONY
COMPLAINT

Defendant: Davis Michael A. DOB 08/21/1971
Address: 812 Ringwood Rd. Dryden, NY
13053

ACCUSATION

Be it known that, by this Accusatory Instrument,	Inv. Williams
as the Complainant herein, accuses	Michael A. Davis
the above named defendant with having committed the offense of	
Arson in the first degree	
in violation of section 150.20, subdivision 1 of the New York State Penal Law. A A-I felony offense.	

2017 JUN 14 11:06 AM
REC'D
CLERK
11:06 AM
JUN 14 2017

FACTS

On or about the 12th to 13th day of June 2017, at about the evening hours of the 12th into the morning hours of the 13th day of June 2017.

While located at 209/215 Dryden Road a person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either (i) causes serious physical injury to another person other than a participant, or (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.

To Wit: At the aforesaid date, time, and location the defendant did: commit arson and in the course of and in furtherance of such crime or of immediate flight therefrom he caused the death of Jozaya M. Berrios, who was found deceased at 209/215 Dryden Rd. on the morning of June 13th, with apparent burns and an accellerant which was a gallon can of Tru Fuel 50:1 2 cycle gasoline, found at the scene. In the course of the investigation, a black BUM Equipment duffel bag with green trim was located at 309 College Ave. Surveillance video depicted the defendant wearing the Alpha Security Bureau uniform shirt, while carrying such bag in the early morning of June 13th. The surveillance video also shows the defendant leaving the area without the duffel bag and no longer wearing the uniform shirt. The duffel bag was later found to contain an Alpha Security Bureau uniform shirt worn by defendant in the video and a D Match lighter, color green. A photograph of the defendant taken by Maurice Hamm earlier in the evening on the 12th depicted defendant with the black BUM Equipment duffel bag with green trim in the building located at 209/215 Dryden Road and wearing Alpha Security Bureau uniform shirt. Further, also located at 812 Ringwood Road, Town of Dryden, was a white Dollar Tree plastic bag with green lettering and it contained work gloves, also contained within the Dollar Tree bag was a Tops plastic shopping bag that contained size 35 waist 30 length black Eddie Bauer cordury pants and a 3xl gray Gildan t-shirt, both having an odor of a petroleum based substance.

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his belief being: Attached sworn statement of one Joy L. Gray DOB [REDACTED] oral statement of Maurice Hamm given to Investigator Lucas Anthony and whose name and address are known and on file with the Ithaca Police Department, video surveillance depicting the defendant with duffle bag (available to the court upon request), oral statements of the defendant, and police investigation, including the crime scene.

☐ Wherefore the Complainant prays that a warrant be issued for the arrest of the said defendant.

Inv. Williams Complainant

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this 13th day of June, 2017.

nv

Complainant

RECEIVED
JUN 14 AM 7:50
JUN 14 AM 7:50

TOMPKINS COUNTY SHERIFF'S OFFICE

Time Start

Time End

SUPPORTING DEPOSITION

SEC. 100.20 CPL

STATE OF NEW YORK

COUNTY OF TOMPKINS

TOWN OF LANSING :CRIMINAL COURT

ss.

I, Joy L Gray, D.O.B. [REDACTED] state the following:

I am providing this statement to Investigator Federation. This statement is in question and answer format, with Investigator Federation asking the questions and the answers being provided by me.

Q): What is your phone number?

A): It is [REDACTED]

Q) Where do you work?

A) I don't work.

Q) Where do you live?

A) I live at 812 Ringwood Road apartment 1a.

Q) Who do you live with?

A) I live with Josie. I think her last name is Berrios.

Q) How long have you lived with Josie?

A) I moved in towards the end of May. I am not sure of the exact date.

Q) Who else lives with Josie and you?

A) Just her boyfriend Mike Davies.

Q) How long have you known Josie?

A) I have known her for about 10 or more years.

Q) What is Josie's phone number?

A) 646-793-1493

Q) How long have you known Mike?

A) I have known Mike for over 20 years. I knew him years ago and then just started to see him again when he and Josie started to date.

Q) What is Mike's phone number?

A) I don't know it.

2017 JUN 14 PM 7:51

CLERK

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CLERK

Q) When was the last time you saw Josie?

A) It was yesterday afternoon. I would say about 4:30 PM.

Q) Was Josie alone when you saw her?

A) No, Mike and she were together.

Q) What did you do with them before they left?

A) We all smoked crack. Josie had some crack and we smoked it. Then they left. Josie told me that she and Mike were going to catch the bus into the city of Ithaca. Mike had gotten a job doing security at building that was under construction. Mike was supposed to work the 6:00 PM to 6:00 AM shift.

Q) Did Josie go to work with Mike?

A) I don't know if she went, that is what they had spoken about while they were still with me. Then they left together.

Q) How long had Mike worked doing security?

A) He had just started that job. I think last night was his second night.

Q) How did Mike get hired for the job?

A) Josie got him the job. Josie had gone on a date with Maurice Hamm. Maurice is the guy that does the hiring for the security company. He told Josie about the job, Josie told Mike, Mike got the job.

Q) How does Josie know Maurice Hamm?

A) Josie told me that she had gone on dates with Maurice.

Q) Did Mike wear a uniform?

A) I never saw Mike with any type of uniform.

Q) What was Mike wearing when he left last night?

A) He was wearing the same clothes that he had on when you guys picked him up this morning. It was black jean shorts, black wife beater shirt, and black boots I believe.

Q) What was Josie wearing last night when she left?

A) She was wearing blue jean shorts, bright pink tank top, brown leather style sandals and a blond wig.

Q) Did Josie and Mike hang out a lot?

A) Yes, they seemed to always be together. Even when Josie would date other guys Mike would go with her. The only time they were not together was when Josie would get picked up at the house for a date then Mike would stay behind.

Q) What is Mike and Josie's relationship?

A) They are boyfriend and girlfriend. They have been together since before last winter. So I would say several months now.

Q) How many dates in a day would Josie go on?

A) It varied. I would say 3-5 dates a day.

Q) Did Josie make money from these dates?

A) Yes.

Q) Did Josie talk about dates that she might have lined up for last night?

A) I don't really know. I don't know if she was going to stay with Mike or what she had planned, she did not tell me.

Q) The door to your apartment was broken when I arrived this morning how did that happen?

A) My cousin [REDACTED] did not realize it was locked and pulled too hard on it. When he did this it broke the door jam.

Q) When did you see Mike or Josie again after last night?

A) I have not seen Josie since last night. I did see Mike.

Q) What time did Mike return to the house?

A) It was between 6:00 am and 8:00am this morning. When Mike got home I went outside and it was good and light out. The ground was wet but the road was dry.

Q) Do you know how Mike got Home?

A) No, I was asleep I woke up when he came into the apartment.

Q) Why did you go outside?

A) Mike did know his phone number. He asked me to help him find out what his number was. I told him to call my phone. Where we live we do not get good signal. We both went outside and he called my phone. The signal still did not come through so we were unable to get a call to go through. I still don't know Mike's number.

Q) What kind of phone does Mike have?

A) It is a regular Verizon black flip phone. This is the first phone I have seen Mike with besides an Obama phone. Josie had talked about getting Mike a phone last night before they left.

Q) Did Mike say anything that seemed odd to you this morning?

A) Yes, he walked into the apartment. as I told you I was just waking up. I got up and went to the bathroom. I came out of the bathroom and Mike was standing in the Kitchen. He then told me that he had caught another body. His next words were that I would not have to worry about Josie stealing from me again. He told me that he did something to the body that would make it hard to identify. Finally he told me that the police would be coming to the house today. He told me that when they showed up to tell them that he had been with me since 1:00 to 1:30 AM this morning. He told me that Maurice and Josie were together at the 711 this morning and Maurice was the last one to be seen with Josie. As the morning went on Mike told me that we should head out to his apartment in Enfield to try and avoid the police when they came looking for him. To

be truthful I was scared as Mike was telling me this information and I just did not want to know anything further. The you guys showed up at the apartment.

Q) What does it mean to catch a body?

A) To kill someone.

Q) What do you think Mike meant by the body would be hard to identify?

A) I am thinking that he might have burned her. (Josie)

Q) Why would you think that?

A) Mike told me that he burned a girl in a fire years ago. He told me that he had been arrested for it and Josie had testified on his behalf. He had gotten off on the charge. Josie even told me that she was the reason that Mike got off.

Q) How was Mike acting when he came home this morning?

A) He seemed kind of normal. Just matter of fact when he was talking to me about the body and everything else he told me.

Q) Have you ever witnessed Josie and Mike argue?

A) Yes I have seen them argue, but have never seen them get physical.

Q) What did they argue about?

A) Mike did get mad at Josie about dating and he has stolen money from her.

Q) Did you spend time with anyone else last night?

A) Yes, I went to the Burger King at East Hill Plaza it was around 10:00 PM. I was with my friend [REDACTED] he had come to the house and picked me up. We picked up food and I was dropped back off at the house. I ate the food there. I then texted [REDACTED] and told him I was home. I asked him if he could bring me something to drink. He said yes. He came to the house it was around 1:00 AM. I texted him at 12:07 Am and [REDACTED] lives about 45 minutes away so I am guessing it was around 1:00 Am. [REDACTED] then stayed at the house with me until like 5:00 or 6:00 AM. He left to go do farm work.


Q) Is there anything else you would like to add to your statement?

A)

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement that such person does not believe to be true. (Penal Law, Section 210.45)

Affirmed under penalty of perjury

this 13 day of June, 2017


(Signature of Person Providing Deposition)

C&R#: S17-06198

Rank/Name/ID#: Investigator John Federation/1207

Tompkins County Sheriff's Office

Date: 06/13/17

2017 JUN 14 AM 7:51